



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

26 APR 2010

Mark A. Lane
Nebraska National Forest
125 N. Main Street
Chadron, NE 69337

Dear Mr. Lane:

RE: Review of Draft Environmental Impact Statement for Allotment Management Planning in the McKelvie Geographic Area, Samuel R. McKelvie National Forest, Bessey Ranger District, Cherry County, Nebraska

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for Allotment Management Planning in the McKelvie Geographic Area, Cherry County, Nebraska. Our review is provided pursuant to the National Environmental Policy Act (NEPA) 42 U.S.C. 4231, Council on Environmental Quality (CEQ) regulations 40 C.F.R. Parts 1500-1508, and Section 309 of the Clean Air Act. The DEIS was assigned CEQ number 20100063.

Based on our overall review and the level of our comments, EPA has rated the DEIS for this project Lack of Objections (LO). A copy of EPA's rating descriptions is provided as an enclosure to this letter.

The DEIS adequately outlines the purpose, need, and general management plan for this project. The overall benefit of implementing an adaptive management plan to the McKelvie Geographic Area allotments is sufficiently stated in this document. Though environmental impacts included in the DEIS were overall minimal, EPA offers the following comments for additional considerations of potential environmental impacts and a focus on minimization and mitigation of these impacts and provide additional information related to the project:

Chapter 3: Affected Environment and Environmental Consequences

The categories of potential environmental effects examined in this section include Rangeland Vegetation, Forested Vegetation, Hydrology and Soil Resources, Fuels Management, and, under the Steer Creek Proposed Research Natural Area, Threatened and Endangered Species, Heritage Resources, Recreation Resources, and Social and Economic Status.

While all of these categories are certainly relevant to this project, EPA recommends including additional categories of consideration for potential environmental consequences. This project is unique in that it does not require extreme changes from the current livestock grazing

management approach, or include more than minor construction. However, there are still additional environmental aspects that could be addressed. Specifically, EPA recommends including all or some of the following categories for consideration; Land Use (including Prime and Unique Farmlands), Air Quality, Noise, and Esthetics/Visual Resources.

Some of these categories may not be affected by or affect the project but should be considered and if no relevance is found, the finding of lack of impacts to or from the project should be stated in the EIS.

While Rangeland and Forested Vegetation categories are included, it may be more contextual to incorporate them as subcategories under Land Use. Similarly, though affected Waters of the U.S. are briefly described under the Hydrology and Soil Resources, it may be more sufficient to include this information under a Water Resources category, with Surface, Groundwater, and Wetlands subcategories, and address the Soil Resources in its own category.

We also would like to thank you for prominently addressing the direct, indirect, and cumulative effects of each potential environmental consequence.

2001 Forest Plan

The 2001 US Forest Service Land & Resource Management Plan for Nebraska National Forest and Association Units is highly referenced throughout the DEIS, and Appendix A summarizes the Direction of the Forest Plan. However, because Appendix A only provides a summary, some of the objectives, standards, or guidelines are vague.

For example, a direction listed on page A-2 states that "In the water influence zone next to perennial and intermittent streams, lakes, and wetlands, allow only those actions that maintain or improve long-term health and riparian ecosystem condition." The associated text under the '*Meeting, Not Meeting, Moving Toward, NA*' heading states, "Livestock management would allow the maintenance or improvement of long-term health of riparian ecosystems."

While it is understood that the proposed adaptive management process would allow for site-dependent flexibility in management and mitigation practices, it would be useful in instances such as these to include at least a few specific examples of practices and procedures that may be used to meet these directives.

EPA recommends including the entire 2001 Forest Plan as an Appendix, or at minimum including the entirety of 2001 Forest Plan's Chapter 1 (Standards and Guidelines) as an Appendix or Supplement, as it includes more specific information.

Wetlands

Coordination with EPA Region 7's Water, Wetland, and Pesticides Division determined that we have no comments at this time regarding potential impacts to wetlands scattered throughout the GA.

In the event that there are jurisdictional wetlands impacted by the proposed action, we recommend that any mitigation should occur in the same HUC8 or smaller watershed as the location of the project impacts. If changes occur in the project purpose, need, alternatives, or impacts between now and the time of issuance of Public Notice, EPA's 404 program reserves the ability to comment further on this project. Information may be generated through the 404 public interest review process that was not documented during the EIS process and should be considered in the final decision. This could include changes in regulation or processes, advances in the knowledge of the resources to be impacted, discovery of populations of threatened or endangered species, new best management practices, and/or improvement in stream or wetland restoration science.

Thank you for the opportunity to provide our comments regarding this project. If you have any questions, please contact me at 913-551-7565 or via email at tucker.amber@epa.gov or you may contact Joe Cothorn, NEPA Team leader, at 913-551-7148 or via email at cothorn.joe@epa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Amber Tucker".

Amber Tucker
NEPA Reviewer
Environmental Services Division

Enclosure

Draft Environmental Impact Statement Rating Definitions

Environmental Impact of the Action

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

"Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.